

Remarks

Applicant has amended her claims to better distinguish her invention over the references. Support for the changes made in Claims 1, 17, and 19 may be found in Paragraphs [0014] and [0004].

Claims 1 to 20 were rejected under 35 U.S.C. 103(a) as unpatentable over Zheng in view of Waldron et al. (“Waldron”) and further in view of Logan. Applicant notes that Claim 12 has been found to be allowable.

Applicant’s chair can be used as a seat then, without making any changes in it, it can be tipped so that items on the seat can be carried without falling off. It can also be collapsed and carried or pulled on wheels. The chair, as defined in all of Applicant’s independent claims (Claims 1, 17, and 19), require structures that are necessary to enable the chair to perform all of these functions.

Claims 1, 17, and 19 now requires the wheels to be attached behind the bottom of the back legs so that the wheels do not bear the weight of the chair except when the chair is tipped. If the wheels bear weight and touch the ground when the chair is not tipped, the chair may move, especially if the ground is not level. If the wheels do not touch the ground when the chair is tipped, the chair cannot be pulled.

Zheng and Logan have no wheels at all and attaching wheels to pull their chairs would require other changes as well because they provide no handle for pulling their chairs.

Waldron has wheels on all four legs of his chair, but Applicant’s claims now

require no wheels on the front legs. The reason is that, unlike Waldron, Applicant does not want the chair to move unless it is tipped, and putting legs on the front would make it easier for the chair to move. Waldron's wheels also support the weight of the chair both when it is tipped and when it is not tipped. All of Applicant's claims now require that the wheels on the two back legs support the weight of the chair only when it is tipped.

All of Applicant's claims further require flexible material (e.g., fabric or netting) between the seat and each arm rest and also between the seat and the back of the chair, so that items placed on the seat will not fall off the seat when the chair is tipped and pulled. Such netting is absent in Zheng and Waldron. Logan has "fabric" which forms the seat, back, and arms, but has large gaps in it at the corners, through which items placed on the seat would fall when the seat is tipped.

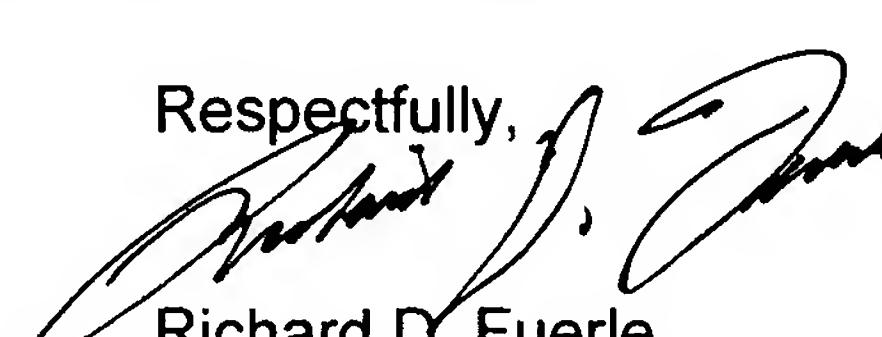
The Examiner concedes that Zheng "does not disclose wheels or a handle where the chair can be pulled by," but argues that it would be obvious to attach Walden's wheels to Zheng's chair. But Walden teaches attaching wheels to each of the four legs, not just to the back two legs, as Applicant requires. Nothing in any of the references cited suggests attaching wheels to only the back legs. Furthermore, Applicant's wheels are very different from Walden's wheels. Applicant's claims require the wheels to be attached behind the bottom of each back leg "so that said wheels do not bear the weight of said chair except when said chair is tipped." There is nothing in Walden that suggests attaching wheels in that manner, and Walden would not want wheels attached

that way as then his chair would not move on the wheels and the purpose of his invention would be defeated.

As to the handle, it is not shown on any of the cited references, so it is hard to see how it can be obvious to attach one. There is no point in having a handle on the chairs of Logan or Zheng as they have no wheels on their chairs, so the chairs cannot be pushed or pulled anyway. Waldron does have wheels on his chair and provides handgrip members 50. However, the handgrips are suitable for pushing the chair, but it would be very awkward for a person to walk pulling the chair behind him by one of those handgrips. Moreover, Applicant's Claims 6 and 17 to 20 require the handle to be attached to the top of each side of the chair, which is not disclosed by Waldron. Claim 7 requires a handle that has at least two sections and Claim 8 requires a handle that is extendable towards and away from the seat. Claims 17 and 18 require a collapsible handle and Claims 19 and 20 require a collapsible, telescoping handle. None of those features are suggested by Waldron.

For these reasons, Applicant believes that her invention is not obvious over the cited prior art and respectfully requests reconsideration and withdrawal of the rejection. If the Examiner would like to discuss the application, she is invited to call Applicant's attorney at (716) 774-0091 to resolve any remaining problems.

Respectfully,


Richard D. Fuerle
Registration No. 24,640
For Applicant

**Richard D. Fuerle
1711 West River Road
Grand Island, NY 14072
(716)-774-0091
February 22, 2005
CASE LF01**